

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 United States of America,

10 Plaintiff,

11 v.

12 (13) Lancer Edward Williams, Jr.,

13 Defendant.
14

No. CR-22-00725-013-PHX-DLR

ORDER

15
16 Before the Court is Defendant Lance Edward Williams, Jr.'s Motion for Release
17 from Custody Pending Trial. (Doc. 314.) The motion is fully briefed and for the reasons
18 set forth herein is denied.

19 Defendant is charged with Counts 1 (the drug conspiracy charge) and 53 (felon in
20 possession charge) in a 65-count indictment that issued on June 28, 2022. A detention
21 hearing and arraignment were held on July 15, 2022, before Magistrate Judge Michelle H.
22 Burns. Judge Burns found because of the nature of the charges that there is a presumption
23 that Defendant presents a flight risk and a danger to the community. She also determined
24 that the presumption was not overcome and that there are no conditions or combination of
25 conditions that would assure Defendant would make his appearance and assure the safety
26 of the community.

27 Defendant's motion is brought pursuant to 18 U.S.C. § 3142(f)(2), which states in
28 pertinent part: "The hearing may be reopened, before or after a determination by the

1 judicial officer, at any time before trial if the judicial officer finds that information exists
2 that was not known to the movant at the time of the hearing and that has a material bearing
3 on the issue whether there are conditions of release that will reasonably assure the
4 appearance of such person as required and the safety of any other person and the
5 community.”

6 At the time of the July 15, 2022, detention hearing before Judge Burns, Defendant
7 was on probation in the Maricopa County Superior Court in case CR 2021-115284-001 SE.
8 Defendant was placed on probation under the supervision of the Maricopa County Adult
9 Probation Department (“APD”) for a term of one year beginning on April 22, 2022.
10 Defendant claims in his motion that he has successfully completed his probation and argues
11 that the completion of probation is a change in circumstances warranting the reopening of
12 his detention determination.

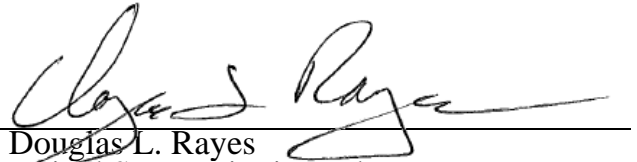
13 In response, the Government’s points out that “[c]ontrary to Defendant’s claim, he
14 did not complete his state court probation. In fact, he has an outstanding warrant for
15 violating the terms of his probation based on his offenses charged here.” (Doc. 318 at 6.)
16 The Government’s response includes Exhibit A (Doc 318-1), which shows that Defendant
17 did not complete his probation and that a warrant dated April 20, 2023, was issued by Judge
18 Wingard for Defendant’s arrest for a violation of a written condition of his probation.

19 Defendant has not shown any changed circumstances as required under § 3142(f).
20 Defendant did not complete his state court probation as he claims. Rather, he violated his
21 probation by committing the offenses charged here, including one that is virtually identical
22 to the offense for which he was on probation. Further, Defendant’s proffered character
23 letters from his family and friends do not constitute changed circumstances. To reopen a
24 detention hearing, § 3142(f) requires the presentation of information “that was not known
25 to the movant at the time of the hearing.” Defendant could have solicited these letters from
26 his friends and family and presented them at his initial detention hearing. Because he did
27 not do so, they cannot now form a basis for revisiting issue of detention under § 3142(f).
28 *See United States v. Treselyan*, No. CR-20-00549-001-PHX-DWL, 2021 WL 3055040, at

1 *2 (D. Ariz. July 20, 2021) (“If the information was available at the initial detention
2 hearing, the issue of detention should not be reopened.”).

3 **IT IS ORDERED** that Defendant’s Motion for Release from Custody Pending Trial
4 (Doc. 314) is **DENIED**.

5 Dated this 29th day of August, 2023.

6
7
8 
9 Douglas L. Rayes
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28